

Notification of Conflict of Interest Referral

For use in cases involving possible violations of 18 U.S.C. Secs. 203, 205, 207-209 by current or former executive branch employees only; see reverse for summary statutory/regulatory background. Please return directly to: U.S. Office of Government Ethics, 1201 New York Ave. NW, Suite 500, Washington, DC 20005-3917. Phone: Chief, Financial Disclosure Division (202)208-8000, Extension 1123. FAX: (202)208-8038.

Agency Referring the Case	Agency Case or Referral Number	Case Referred to: <input type="checkbox"/> DOJ, Public Integrity Section, Criminal Division <input type="checkbox"/> U.S. Attorney for (district) _____ <input type="checkbox"/> DOJ (other) _____
Date of Referral to DOJ	Name of Employee Involved in Case (optional), Agency, and Agency Component Where he/she was Employed.	

Please check each statute involved in the case, and answer all questions concerning those statute(s).

Is there any evidence the individual received ethics training? Yes ☐ No ☐ Unclear ☐

18 U.S.C. Sec. 203 (Compensation for Representation Affecting the Government)

Federal entity before which representation occurred: _____

Compensated representation on behalf of: _____

Were representational services rendered or to be rendered by the employee? ☐ or by another? ☐

18 U.S.C. Sec. 205 (Representation Affecting the Government)

Federal entity before which representation occurred: _____

Representation on behalf of: _____

18 U.S.C. Sec. 207 (Post-Employment)

Federal entity before which representation occurred: _____

Representation on behalf of: _____

Was the communication/representation oral? ☐ and/or written? ☐

☐ Former employee terminated service before January 1, 1991. Check subsections involved:

☐ 207(a) ☐ 207(b)(i) ☐ 207(b)(ii) ☐ 207(c)

☐ Former employee terminated service on or after January 1, 1991. Check subsections involved:

☐ 207(a)(1) ☐ 207(a)(2) ☐ 207(b) ☐ 207(c) ☐ 207(d) ☐ 207(f)

If 207(b) or 207(f) is checked, was behind-the-scenes aid or advice involved? Yes ☐ No ☐

18 U.S.C. Sec. 208 (Acts Affecting a Personal Financial Interest)

Does the case involve the financial interest of the employee? ☐ that of the employee's spouse? ☐ minor child? ☐

a firm with which the employee was negotiating for employment? ☐ other? ☐

Was a waiver sought? Yes ☐ No ☐ Was it granted? Yes ☐ No ☐

Was the employee required to file a financial disclosure form? Yes ☐ No ☐ . If yes, check form involved:

SF 278 ☐ OGE Form 450 ☐ Other (specify) _____

If so, was the basis for the interest disclosed on the financial disclosure form? Yes ☐ No ☐

18 U.S.C. Sec. 209 (Supplementation of Salary)

Type of supplementation (meals, travel, cash, etc.): _____

Value of supplementation: \$ _____ Number of supplements: _____

Additional Statutes Involved in Conflict of Interest Referrals

Was 18 U.S.C. Sec. 201 (bribery/gratuity) involved? Yes ☐ No ☐

Was 5 U.S.C. App. (Ethics in Government Act) Sec. 501 (outside earned income) involved? Yes ☐ No ☐

Was 5 U.S.C. App. (Ethics in Government Act) Sec. 502 (outside employment) involved? Yes ☐ No ☐

Was 18 U.S.C. Sec. 1001 (false statements) involved? Yes ☐ No ☐

Was 5 U.S.C. App. (Ethics in Government Act) Sec. 101 et seq. (financial disclosure) involved? Yes ☐ No ☐

Other (list) _____

Agency Contact/Telephone Number

Date

Statutory/Regulatory Background

28 U.S.C. Sec. 535 requires every department or agency to report to the Attorney General any information, allegations, or complaints relating to violations of title 18 of the United States Code involving Government employees, including possible violations of 18 U.S.C. Sec. 207 by former Government employees. The Director of the Office of Government Ethics (OGE), in accordance with 5 U.S.C. App. Sec. 402(e)(2), has promulgated regulations at 5 C.F.R. Sec. 2638.603 requiring agencies to concurrently notify the Director when any matter involving a violation of 18 U.S.C. Secs. 203, 205, 207, 208, and/or 209 is referred to the Department of Justice pursuant to 28 U.S.C. Sec. 535. Such notification may be accomplished by providing a copy of the referral document or by submitting this optional form, unless such notification would otherwise be prohibited by law. OGE regulations also require that the department or agency subsequently notify the Director of the referral's disposition, including any disciplinary or corrective action taken by the department or agency. 5 C.F.R. Sec. 2638.603(c). Information relating to the disposition of a referral may be communicated to the Director in writing.

Additional agency comments (if any):

Disposition of Referral (OGE use only):

☐ DOJ declined prosecution.

☐ DOJ initiated prosecution.
Resolution:

Agency disciplinary or corrective action, if any: